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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,120	01/09/2001	Tetsuro Motoyama	198775US-2	5602
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
CHOUDHURY, AZIZUL Q				
ART UNIT		PAPER NUMBER		
2145				
NOTIFICATION DATE		DELIVERY MODE		
07/11/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/756,120

Applicant(s)

MOTOYAMA ET AL.

Examiner

AZIZUL CHOUDHURY

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 6-12, 14-16, 18, 19, 21-25, 27, 28, 30 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6-12, 14-16, 18, 19, 21-25, 27, 28, 30 and 32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/14/08, 4/17/08, 6/26/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

This office action is in response to the correspondence received on June 26, 2008.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 25, 27-28, 30, and 32-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 25-28, 30, and 32-33 fail to fall within a statutory category of invention. They are directed to the program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. They're also clearly not directed to a composition of matter. In particular, despite the claim amendments (wherein it is now claimed that the computer readable medium is a non-carrier wave medium), the specifications support the computer readable medium being any transmission media, amongst other media. Therefore, they're deemed non-statutory under 35 USC 101.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 16, 25, and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims cite the status information being obtained from sensors in the monitored device. However, the specifications do not support this claim limitation. In particular, the specifications fail to mention sensors. Appropriate corrections are required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4, 6-12, 14-16, 18-19, 21-25, 27-28, 30 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al (US Patent No: 6,108,782) in view of Brunet et al (US Patent No: 6,430,613), hereafter referred to as Fletcher and Brunet, respectively.

1. With regards to claims 1, 16, 25 and 34, Fletcher teaches through Brunet a computer-implemented remote device monitoring system, comprising: a local monitoring computer (*equivalent to the dRMON agents (hardware ESs with dRMON agents); column 6, lines 12-15, Fletcher*) configured to collect status information from a monitored device (*equivalent to ESs without dRMON agents*) connected to a first network using an SNMP protocol (*column 9, lines 39-40, Fletcher*), and to send the status information to a remote monitoring computer (*equivalent to dRMON collector*) connected to a second network via a wide area network using a protocol, the status information being obtained from sensors in the monitored device (*see Figure 1, Fletcher*); and the remote monitoring computer configured to receive the status information using the protocol and store the status information in association with an IP address of the monitored device in a digital repository connected to the second network (*column 14, line 42 and claim 12, Fletcher*), wherein the local monitoring computer is configured to automatically request the status information from the monitored device over the first network at predetermined intervals, without receiving any instructions from the remote monitoring computer requesting that the status information be collected from the monitored device (*column 9, lines 65-66, Fletcher*); and wherein after initialization of the local monitoring computer, the local monitoring computer is configured to automatically send the collected status information to the remote monitoring computer, without receiving any instructions from the remote monitoring computer requesting that the collected status information be sent (*column 9, lines 65-66, Fletcher*).

While Fletcher teaches the monitoring of devices, Fletcher fails to teach the device information being sent to the local monitoring computer via SNMP. Fletcher is also silent about automatically requesting status information at predetermined intervals. In the same field of endeavor, Brunet also teaches a network monitoring system. Within Brunet's design, ETs (equivalent to the claimed devices) (see Figure 1, Brunet) are monitored via SNMP by submanagers through a LAN (equivalent to claimed local monitoring device) (see column 6, lines 1-8 and Figure 1, elements titled COACH1 and COACH2, Brunet). The management information about the ETs (clients) is sent from the submanagers to the main manager through a WAN (see column 4, lines 1-13, Brunet). Furthermore, Brunet teaches how submanagers can automatically communicate with main managers (see column 6, lines 21-47 and column 7, lines 29-33, Brunet). In addition, Brunet teaches how alarms (equivalent to status information) are sent automatically within the subnetwork (equivalent to the claimed local monitoring) within a polling period (equivalent to the claimed predetermined period) (see column 4, lines 14-32, Brunet). Both Fletcher's and Brunet's designs aid in network node data retrieval. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Fletcher with those of Brunet, to provide a process and system for network management (see column 1, lines 5-6, Brunet).

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2. With regards to claims 3, 18 and 27, Fletcher teaches through Brunet a system wherein the monitored device comprises a printer (*column 1, line 66 – column 2, line 3, Fletcher*).

3. With regards to claim 4, Fletcher teaches through Brunet a system wherein the status information comprises at least one of a low paper indicator, a no paper indicator, a low toner indicator, a no toner indicator, door open indicator, a jammed indicator, an offline indicator, and a service requested indicator (*column 7, lines 45-55, Fletcher*).

4. With regards to claims 6, 19 and 28, Fletcher teaches through Brunet a system wherein at least a portion of the wide area network comprises the Internet (*column 18, lines 13-14, Fletcher*).

5. With regards to claims 7, 21, 30 and 35, Fletcher teaches through Brunet a system wherein the protocol comprises at least one of a simple mail transfer protocol and an Internet mail access protocol (*column 10, line 46 – column 11, line 33, Fletcher*).

6. With regards to claim 8, Fletcher teaches through Brunet a system wherein at least a portion of at least one of the first network and the second network comprises an intranet (*column 1, line 54 – column 2, line 10, Fletcher*).

7. With regards to claims 9 and 22, Fletcher teaches through Brunet a system wherein the digital repository comprises a database (*column 18, line 48, Fletcher*).

8. With regards to claims 10, 23 and 32, Fletcher teaches through Brunet a system wherein the local monitoring computer is further configured to store the collected status information in a first digital repository connected to the first network, and to retrieve the status information from the first digital repository (*column 20, lines 32-38, Fletcher*).

9. With regards to claims 11, 24 and 33, Fletcher teaches through Brunet a system wherein the digital repository comprises a database (*column 18, line 48, Fletcher*).

10. With regards to claim 12, Fletcher teaches through Brunet a system wherein the local monitoring computer comprises a computer readable medium encoded with processor readable instructions comprises at least one of a dynamic link library, a static link library, a script, a JAVA class, a C++ class, and a C library routine (*column 7, lines 51-53, Fletcher*).

11. With regards to claim 14, Fletcher teaches through Brunet a system wherein the remote monitoring computer is further configured to store the status information in the digital repository through an open database connectivity interface (*column 20, lines 32-38, Fletcher*).

12. With regards to claim 15, Fletcher teaches through Brunet a system wherein the local monitoring computer is further configured to store the information in the first digital repository through an open database connectivity interface (*column 20, lines 32-38, Fletcher*).

13. The obviousness motivation applied to claims 1, 16, 25 and 34 are applicable to their respective dependent claims.

Response to Arguments

Applicant's arguments filed June 26, 2008 have been fully considered but they are not persuasive. The following are the examiner's response to the applicant's arguments.

The first point of contention addressed by the applicant concerns the 101 rejection. The applicant has amended the claims in an effort to overcome the 101 rejection. However, the claim amendments were not sufficient to fully overcome the 101 rejection. In particular, despite the claim amendments (wherein it is now claimed that the computer readable medium is a non-carrier wave medium), the specifications support the computer readable medium being any transmission media, amongst other media. Therefore, the claims 25, 27-28, 30, and 32-33 are still deemed non-statutory under 35 USC 101.

The second point of contention addressed by the applicant concerns the newly claimed limitation of "the status information being obtained from sensors in the

monitored device." The applicant argues that neither prior art teach such a claim limitation. The examiner however noted, after reviewing the specifications, that support for such a claim limitation is unfounded. No mention of sensors can be found within the specification. Because of this lack of support, a 112 rejection has been provided.

The third point of contention involves the newly claimed limitation allowing to "automatically request the status information from the monitored device over the first network at predetermined intervals..." The applicant contends that neither prior art teach such a claim limitation, the examiner disagrees. Brunet teaches how alarms (equivalent to status information) are sent automatically within the subnetwork (equivalent to the claimed local monitoring) within a polling period (equivalent to the claimed predetermined period) (see column 4, lines 14-32, Brunet).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145